

**LEGISLATIVE SERVICES AGENCY
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FISCAL IMPACT STATEMENT

LS 7015

BILL NUMBER: SB 253

NOTE PREPARED: Jan 22, 2004

BILL AMENDED:

SUBJECT: Abuse of an Endangered Adult.

FIRST AUTHOR: Sen. Lawson C

FIRST SPONSOR:

BILL STATUS: CR Adopted - 1st House

FUNDS AFFECTED: X GENERAL
X DEDICATED
FEDERAL

IMPACT: State & Local

Summary of Legislation: This bill removes the requirement that the State Department of Health request assistance before the Division of Disability, Aging, and Rehabilitative Services or Adult Protective Services may investigate a report of an endangered adult residing in a health facility. The bill specifies that, for purposes of the provision requiring Adult Protective Services to immediately communicate to the State Department of Health a report of an endangered adult residing in a health facility, an endangered adult is not an adult who is an alcoholic or a drug abuser. It makes failing to report an abused endangered adult a Class B misdemeanor instead of a Class A infraction. It also corrects statutory references.

Effective Date: July 1, 2004.

Explanation of State Expenditures: *Adult Protective Services Investigation:* This bill removes the restriction that an Adult Protective Services unit is to investigate a report of abuse of an endangered adult who is a resident of a licensed health facility only if their assistance is requested by the Department of Health. The bill refines the definition of an endangered adult to exclude adults who abuse alcohol or drugs. The Family and Social Services Administration reports that this provision has no significant fiscal impact.

Penalty Provision: The bill increases the penalty from a Class A infraction to a Class B misdemeanor for failure to report abuse of an endangered adult. Passage of this bill potentially increases revenue to the Common School Fund, but could reduce revenue that is deposited in the state General Fund. This is because fines from misdemeanors are deposited in the Common School Fund, while infraction judgements are deposited in the state General Fund. Currently, the maximum judgment for a Class A infraction is \$10,000, which is deposited into the state General Fund, while the maximum fine for a Class B misdemeanor is \$1,000, which is deposited into the Common School Fund. Besides the issuance of fines, the sentencing court may assess a court fee if a guilty verdict is entered. The court fee for an infraction is \$70, while the court fee for

a misdemeanor is \$120. The state receives 70% of the court fee that is assessed when a guilty verdict is entered and the fee is collected in a court of record, and 55% if a case is filed in a city or town court.

Explanation of State Revenues: *See Explanation of State Expenditures.*

Explanation of Local Expenditures: *Penalty Provision:* Local expenditures could increase if offenders are incarcerated in local jails instead of being only fined. However, any cost increase is likely to be small. A Class B misdemeanor is punishable by up to 180 days in jail. The average cost per day is approximately \$44.

Explanation of Local Revenues: *Penalty Provision:* If additional court actions occur and a guilty verdict is entered, local governments would receive additional revenue. In addition, local governments could receive additional revenues from any court fees that are collected for cases that were infractions and are now misdemeanors. These revenues come from the following sources: (1) The county general fund would receive 27% of the court fee (\$120 for a misdemeanor and \$70 for an infraction) that is assessed in a court of record. Cities and towns maintaining a law enforcement agency that prosecutes at least 50% of its ordinance violations in a court of record may receive 3% of court fees. (2) A \$3 fee would be assessed and, if collected, would be deposited into the county law enforcement continuing education fund. (3) A \$2 jury fee is assessed and, if collected, would be deposited into the county user fee fund to supplement the compensation of jury members.

State Agencies Affected: Department of Correction.

Local Agencies Affected: Trial courts, local law enforcement agencies.

Information Sources: Indiana Sheriffs Association, Department of Correction.

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